

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 16-20062

HON. DENISE PAGE HOOD

v.

RODEREK PERRY,

Defendant.

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**ORDER GRANTING MOTION TO STRIKE [#536]**

Defendant Roderek Perry filed a *pro se* motion with the Court on January 24, 2018 titled “Motion to Dismiss for Lack of Jurisdiction Under Commerce Clause.” [Dkt. No. 532] In response, the Government filed a Motion to Strike Defendant’s filing. [Dkt. No. 536]

Defendant Perry had legal counsel representing him at the time he filed his document (and continues to have legal counsel representing him). It is well-established law in the Sixth Circuit that a criminal defendant cannot proceed with hybrid representation, whereby he asserts both the right to proceed *pro se* and the right to counsel – he must choose one or the other. *See, e.g., United States v. Mosely*, 810 F.2d 93, 97 (6th Cir. 1987) (citing *United States v. Conder*, 423 F.2d 904, 908 (6th Cir.), *cert. denied*, 400 U.S. 958 (1970)). The only possible exception would be if the

Court permits a form of hybrid representation. *Mosely*, 810 F.2d at 97-98.

Defendant Perry never filed a motion to proceed *pro se* or by hybrid representation. The Court has not determined, and does not determine, that hybrid representation is appropriate or necessary at this stage of the proceedings. The *pro se* filing by Defendant Perry will be stricken from the record.

Accordingly,

IT IS ORDERED that the Government's Motion to Strike [Dkt. No. 536] is GRANTED.

IT IS FURTHER ORDERED that the Clerk of the Court shall STRIKE Docket No. 532.

IT IS ORDERED.

S/Denise Page Hood

Denise Page Hood

Chief Judge, United States District Court

Dated: February 7, 2018

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 7, 2018, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager